

## § 174.304

## 49 CFR Ch. I (10–1–21 Edition)

(2) There is no combustion apparatus in the lading space;

(3) There is no connection for the return of air from the lading space to any combustion apparatus; and

(4) The heating system conforms to § 393.77 of this title and does not heat any part of the lading over 54 °C (129 °F).

(d) Metal barrels or drums containing Class 3 (flammable liquid) materials may be transported in a steel gondola or flatcar or in a stock car. However, they may not be transported in a hopper bottom car.

[Amdt. 174–26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174–31, 43 FR 31143, July 20, 1978; Amdt. 174–68, 55 FR 52683, Dec. 21, 1990]

### § 174.304 Class 3 (flammable liquid) materials in tank cars.

A tank car containing a Class 3 (flammable liquid) material, other than liquid road asphalt or tar, may not be transported by rail unless it is originally consigned or subsequently reconsigned to a party having a private track on which it is to be delivered and unloaded (see § 171.8 of this subchapter) or to a party using railroad siding facilities which are equipped for piping the liquid from the tank car to permanent storage tanks of sufficient capacity to receive the entire contents of the car.

[Amdt. 174–26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174–32, 43 FR 48644, Oct. 19, 1978; Amdt. 174–68, 55 FR 52683, Dec. 21, 1990]

### § 174.310 Requirements for the operation of high-hazard flammable trains.

(a) *Applicability.* Each rail carrier operating a high-hazard flammable train (as defined in § 171.8 of this subchapter) must comply with each of the following additional safety requirements with respect to each high-hazard flammable train that it operates:

(1) *Routing.* The additional planning requirements for transportation by rail in accordance with part 172, subpart I of this subchapter.

(2) *Speed restrictions.* All trains are limited to a maximum speed of 50 mph. The train is further limited to a maximum speed of 40 mph while that train

travels within the limits of high-threat urban areas (HTUAs) as defined in § 1580.3 of this title, unless all tank cars containing a Class 3 flammable liquid meet or exceed the DOT Specification 117 standards, the DOT Specification 117P performance standards, or the DOT Specification 117R retrofit standards provided in part 179, subpart D of this subchapter.

(3) *Braking.* Each rail carrier operating a high-hazard flammable train (as defined in § 171.8 of this subchapter) operating at a speed in excess of 30 mph must ensure the train is equipped and operated with either a two-way end-of-train (EOT) device, as defined in 49 CFR 232.5, or a distributed power (DP) system, as defined in 49 CFR 229.5.

(4) *New tank cars.* After October 1, 2015, tank cars manufactured for use in a HHFT must meet:

(i) DOT Specification 117, or 117P performance standard in part 179, subpart D of this subchapter; or

(ii) An authorized tank specification as specified in part 173, subpart F of this subchapter.

(5) *Retrofit reporting.* Owners of non-jacketed DOT–111 tank cars in PG I service in an HHFT, who are unable to meet the January 1, 2017, retrofit deadline specified in § 173.243(a)(1) of this subchapter are required to submit a report by March 1, 2017, to Department of Transportation. A group representing owners may submit a consolidated report to the Department of Transportation in lieu of individual reports from each tank car owner. The report must include the following information regarding the retrofitting progress:

(i) The total number of tank cars retrofitted to meet the DOT–117R specification;

(ii) The total number of tank cars built or retrofitted to meet the DOT–117P specification;

(iii) The total number of DOT–111 tank cars (including those built to CPC–1232 industry standard) that have not been modified;

(iv) The total number of tank cars built to meet the DOT–117 specification; and

(v) Entities required to submit a report under this paragraph shall submit subsequent follow-up reports containing the information identified in

this paragraph within 60 days of being notified by PHMSA and FRA.

(6) *Oil spill response plans.* The additional requirements for petroleum oil transported by rail in accordance with part 130 of of this chapter.

(7) *High-hazard flammable train (HHFT) information sharing notification for emergency response planning.* The additional requirements for notification in § 174.312.

(b) [Reserved]

[80 FR 26748, May 8, 2015, as amended at 83 FR 48401, Sept. 25, 2018; 84 FR 6952, Feb. 28, 2019]

**§ 174.312 HHFT information sharing notification for emergency response planning.**

(a) Prior to operating high-hazard flammable trains (HHFTs) as defined in § 171.8 of this subchapter, a railroad must provide the information described in paragraphs (b) and (c) to each State Emergency Response Commission (SERC), Tribal Emergency Response Commission (TERC), or other appropriate State-delegated agency in each State through which it operates HHFTs. The SERC, TERC, or other appropriate State-delegated agency shall further distribute the information to the appropriate local authorities at their request.

(b) At a minimum, the information railroads are required to provide to the relevant State or tribal agencies must include all of the following:

(1) A reasonable estimate of the number of HHFTs that the railroad expects to operate each week, through each county within the State or through each tribal jurisdiction;

(2) The routes over which the HHFTs will operate;

(3) A description of the hazardous materials being transported and all applicable emergency response information required by subparts C and G of part 172 of this subchapter;

(4) An HHFT point of contact: At least one point of contact at the railroad (including name or email address, title, phone number and address) who has knowledge of the railroad's transportation of affected trains and who is responsible for serving as the point of contact for the SERC, TERC, or other

State or tribal agency responsible for receiving the information; and

(5) If a route identified in paragraph (b)(2) of this section is additionally subject to the comprehensive spill plan requirements in subpart C of part 130 of this chapter, the information must include a description of the response zones (including counties and states) and the contact information for the qualified individual and alternate, as specified under § 130.120(c) of this chapter.

(c) The HHFT notification must be maintained and transmitted in accordance with all of the following requirements:

(1) Railroads must update the notifications for changes in volume greater than 25%.

(2) Notifications and updates may be transmitted electronically or by hard copy.

(3) If the disclosure includes information that a railroad believes is security sensitive or proprietary and exempt from public disclosure, the railroad should indicate that in the notification.

(4) Each point of contact must be clearly identified by name or title, and contact role (e.g., qualified individual, HHFT point of contact) in association with the telephone number. One point of contact may fulfill multiple roles.

(5) Copies of the railroad's notifications made under this section must be made available to the Department of Transportation upon request.

[84 FR 6952, Feb. 28, 2019]

**Subparts H–I [Reserved]**

**Subpart J—Detailed Requirements for Division 6.1 (Poisonous) Materials**

**§ 174.600 Special handling requirements for materials extremely poisonous by inhalation.**

A tank car containing a material extremely poisonous by inhalation which is a Division 2.3 material in Hazard Zone A or a Division 6.1 material in Hazard Zone A, as defined in § 173.133(a)(2) of this subchapter, may not be transported by rail unless it is originally consigned or subsequently